

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ORDER

This matter has been referred to United States Magistrate Judge Susan Paradise Baxter in accordance with the Magistrates Act, 28 U.S.C. §§ 636 (b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation filed on February 28, 2008, recommended that the Motion to Dismiss filed by Defendant Luzerne County Children and Youth Services (Doc. 39) be granted, and the Motion to Dismiss or, in the alternative, for Summary Judgment filed by Defendants McConnell, Cole, Bitner, Brooks, Clark, Giroux, Mahlmeister, Pennsylvania Board of Probation and Parole, and "Unknown-Named Members" of the Pennsylvania Board of Probation and Parole (Doc. 36) be granted as well.

The parties were allowed ten (10) days from the date of service to file any objections. Service was made on all parties. Plaintiff has filed objections to the report and recommendation.

After *de novo* review of the documents in the case, together with the report and recommendation and Plaintiff's objections thereto, the following Order is entered:

AND NOW, to-wit, this 31st day of March, 2008, IT IS HEREBY ORDERED that the report and recommendation of Magistrate Judge Baxter dated February 29, 2008 be and hereby is adopted as the Opinion of this Court.

IT IS FURTHER ORDERED that Plaintiff's alternative motions for summary judgment, filed with his responsive pleadings (Doc. 33 and 44), be and hereby are denied as moot.

A handwritten signature in black ink, appearing to read "Maurice B. Cohill, Jr." with a small "S" written vertically above the "i" in "Cohill".

Maurice B. Cohill, Jr.
Senior United States District Judge

cc: The Honorable Susan Paradise Baxter
United States Magistrate Judge
all parties of record